

REMARKS and REQUEST FOR RECONSIDERATION

This responds to the Office communication dated November 24, 2008. In the communication the Examiner held that Applicants, in their September 30, 2008 Amendment and Remarks had cancelled all claims (claims 1-13) drawn to the elected invention and had, in their stead, presented only claims (claims 14-25) which were held to be drawn to a non-elected invention. Thus, the Amendment and Remarks was held to be non-responsive as no proper claims remained in the application (claims 14-25, were held to have been withdrawn by the Examiner and claims 1-13 had been cancelled by Applicants as both had been rejected under 35 USC 112 and/or 101). Applicants were given 30 days to supply the omission or correction needed to avoid abandonment of the application.

On December 2, 2008 the undersigned held a telephonic conference with Mr. J. A. Lorengo, SPE, to discuss the rejection and a proper response to same. Mr. Lorengo suggested that Applicants file a request for reconsideration and a request for entry of claims 14-25 into the application.

In the conference call Applicants pointed out that claims 14-25 were submitted as replacements for claims 12 and 13. Claim 12 and 13 recite a fluid catalytic cracking process in which the catalyst used is the oxidic catalyst composition described, respectively in claims 8 and 11.

Replacement claims 14-25 recite detail and process steps not found in cancelled claims 12 and 13. Applicants respectfully submit that claims 14-25 are in clear compliance with both of 35 USC 112 and 101 and should be entered into the application. With entry of these claims, the application should be allowed to proceed through prosecution.

It is also submitted that Applicants' argument made in its September 30, 2008 Amendments and Remarks detailed the patentable distinctions between the inventions of claims 14-25 and the cited art. Those arguments are repeated here as if fully set forth.

In consideration of all of the above Applicants request the entry of claims 14-25, as submitted in their September 30, 2008 Amendments and Remarks. Applicants request that claims 14-25 be found patentable for all of the reasons also recited in the same Amendments and Remarks.

In light of the foregoing, the case is believed to be in condition for allowance. Prompt notification to this effect would be sincerely appreciated.

If any matters remain that require further consideration, the Examiner is requested to telephone the undersigned at the number given below so that such matters may be discussed, and if possible, promptly resolved.

Please continue to address all correspondence in this Application to Albemarle Corporation at their address of record.

Respectfully submitted,

/E. E. Spielman, Jr./

Edgar E. Spielman, Jr.
Reg. No. 25,929
McGlinchey Stafford PLLC
4703 Bluebonnet Boulevard
Baton Rouge, LA 70809
Telephone: 225-291-4600
Facsimile: 225-291-4606